S.B. Criminal Misc. Bail Application No.2814/2006
Date : 10.07.2006

**HON'BLE MR.SATYA PRAKASH PATHAK, J.**

Mr. Pradeep Shah for the applicant.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that injury on the deceased is alleged to be inflicted by blow of 'Sword'. He submits that according to prosecution story the applicant was having a 'Lathi' in his hand and there appears no injury inflicted by 'Lathi' on the person of the deceased. He further submits that accused-applicant was having 'Lathi' in his hand and there is specific allegation of Bheru Singh, the injured who has stated the manner in which the incident happened and he no where states that accused applicant inflicted any 'Lathi' blow on the person of the deceased. His further

submission is that only on the person of Bharu Lal it is alleged that two 'Lathi' blows were inflicted by the accused applicant and the same are in medical report found simple in nature. In last, the learned counsel submits that the accused-applicant is in jail since long, therefore, he may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application and submits that with the aid of Section 34 IPC, it can be presumed that accused-applicant had intention to kill the deceased, therefore, he may not be enlarged on bail.

After considering the submissions made before me, I am of the opinion that in view of role assigned to the accused-applicant, a case for bail is made out.

In view of above, I deem it just and proper to enlarge the accused applicant on bail. Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Laxman Singh son of Bheru Singh

shall be released on bail in FIR No.79/2006 P.S. Sarada, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

**(SATYA PRAKASH PATHAK), J.**